

United States District Court  
Eastern District of California

Richard Dennis Gamache,

Plaintiff,

vs.

Brett Williams, et al.,

Defendants.

No. Civ. S 04-0859 MCE PAN

Order

-oOo-

Plaintiff is a prisoner proceeding in forma pauperis and without counsel in a civil rights action.

The United States Marshal has returned process directed to defendant Friend unserved because he no longer works at California State Prison Mule Creek and could not be found. Plaintiff must provide new information about where this defendant may be served with process. Plaintiff may seek such information through discovery, the California Public Records Act, California Government Code § 6250, et seq., or any other means available but

1 must proceed with haste because Fed. R. Civ. P. 4(m) requires an  
2 action be dismissed as to a defendant not served within 120 days  
3 after filing the complaint unless the time is enlarged based upon  
4 a demonstration of good cause. If plaintiff's access to the  
5 required information is denied or unreasonably delayed, plaintiff  
6 may seek judicial intervention.

7 Accordingly:

8 1. The clerk of the court shall mail plaintiff one form  
9 USM-285.

10 2. Within 90 days from the date this order is signed,  
11 plaintiff may submit the attached Notice of Submission of  
12 Documents with a completed form USM-285 providing instructions  
13 for service of process upon defendant Friend.

14 3. If plaintiff does not provide new instructions for  
15 service of process upon defendant Friend within the time allowed  
16 or show good cause for such failure I will recommend this action  
17 be dismissed as to that defendant.

18 So ordered.

19 Dated: July 19, 2005.

20 /s/ Peter A. Nowinski  
21 PETER A. NOWINSKI  
22 Magistrate Judge  
23  
24  
25  
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No. Civ. S-04-0859 MCE PAN P

Notice of Submission of Documents

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Plaintiff hereby submits the following documents in  
compliance with the court's order filed \_\_\_\_\_:

\_\_\_\_ completed summons form

\_\_\_\_ completed forms USM-285

\_\_\_\_ copies of the \_\_\_\_\_  
Amended Complaint

Dated: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff